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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
-oOo-

9 UNITED STATES OF AMERICA,

2:17-mj-835-CWH

10 Plaintiff,

Stipulation to Continue the
Preliminary Hearing (*First
Request*)

11 vs.

12 BREANNA MARIE SIBILA,

13 Defendant.

14 IT IS HEREBY STIPULATED AND AGREED, by and between STEVEN W.
15 MYHRE, Acting United States Attorney, and ELHAM ROOHANI, Assistant United
16 States Attorney, counsel for the United States of America, and PAUL RIDDLE, counsel
17 for Defendant BREANNA MARIE SIBILA, that the preliminary hearing date in the
18 above-captioned matter, currently scheduled for September 20, 2017, at 4:00 pm, be
19 vacated and continued for thirty (30) days, to a date and time to be set by this
20 Honorable Court.

21 This stipulation is entered into for the following reasons:

22 1. The parties have initiated discussions regarding resolving the case pre-
23 indictment. Additional time is needed to discuss any potential resolution.

1 2. The parties agree to the continuance.

2 3. Defendant SIBILA is not incarcerated and does not object to the continuance.

3 4. Additionally, denial of this request for continuance could result in a miscarriage

4 of justice.

5 5. The additional time requested herein is not sought for purposes of delay, but to

6 allow for a potential pre-indictment resolution of the case.

7 6. The additional time requested by this stipulation, is allowed, with the

8 defendant's consent under the Federal Rules of Procedure 5.1(d).

9 7. This is the first request for a continuation of the preliminary hearing.

10 DATED this 15th day of September, 2017.

11 Respectfully submitted,
12 STEVEN W. MYHRE
13 Acting United States Attorney

14 //s//
15 PAUL RIDDLE, ESQ.
16 Counsel for Defendant
17 BREANNA MARIE SIBILA

18 //s//
19 ELHAM ROOHANI
20 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

2:17-mj-835-CWH

Plaintiff,

ORDER

vs.

BREANNA MARIE SIBILA,

Defendant.

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties have initiated discussions regarding resolving the case pre-indictment. Additional time is needed to discuss any potential resolution.
2. The parties agree to the continuance.
3. Defendant SIBILA is not incarcerated and does not object to the continuance.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.
6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account the exercise of due diligence.

The continuance sought herein is allowed, with the defendants' consent, pursuant to Federal Rules of Procedure 5.1(d).

ORDER

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for September 20, 2017, at the hour of 4:00 pm, be vacated and continued to October 24, 2017 at the hour of 4 p.m.

DATED September 18, 2017.

THE HONORABLE CARL W. HOFFMAN
UNITED STATES MAGISTRATE JUDGE